

HOUSE BILL 2604  
By Tindell

AN ACT to amend Tennessee Code Annotated, Title 36;  
Title 37; Title 38; Title 39; Title 40 and Title 41,  
relative to the "Child Protection Act of 2006".

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. The provisions of this act, even though not codified together, may collectively be known as the "Child Protection Act of 2006".

SECTION 2. Tennessee Code Annotated, Section 36-1-113, is amended by deleting subsection (k) in its entirety and by substituting instead the following:

(k) The court shall make every effort to ensure that the hearing on the petition takes place within six (6) months of the date that the petition is filed. The court shall enter an order that makes specific findings of fact and conclusions of law within thirty (30) days of the conclusion of the hearing.

SECTION 3. Tennessee Code Annotated, Section 36-1-119, is amended by deleting the language "two (2) years" from subsection (d) thereof and by substituting instead the language "one (1) year" and is further amended by deleting the language "one (1) year" from subsection (e) thereof and by substituting instead the language "nine (9) months".

SECTION 4. Tennessee Code Annotated, Section 37-1-407, is amended by inserting the following as a new, appropriately designated subsection thereto:

( ) A representative of the department responsible for each departmental region in the state shall, by January 15 of each year, report to the judiciary committees of the senate and house of representatives, the children and family affairs committee of the house of representatives and the select committee on children and youth, the status of teams in that region along with any recommendations for enhancement of the child

abuse plan and program in that region. The department shall establish a procedure and format for data collection in preparation of the report. The procedure and format developed shall include at a minimum the following information:

- (1) The number of reports received for investigation by type;
- (2) The number of investigations initiated by type;
- (3) The number of final dispositions of cases obtained in the current

reporting year by type of disposition as follows:

- (A) Unsubstantiated closed, no service;
- (B) Unsubstantiated, referred for non-custodial support services;
- (C) Substantiated closed, no service;
- (D) Substantiated, service provided, no prosecution;
- (E) Substantiated, service provided, prosecution, acquittal; or
- (F) Substantiated, service provided, prosecution, conviction.

- (4) Age, race, gender, and relationship to the victim of perpetrators; and

(5) The type and amount of community-based support received by teams through linkages with other local agencies and organizations and through monetary and in-kind donations.

SECTION 5. Tennessee Code Annotated, Section 40-39-202, is amended by deleting subdivision (10) and substituting instead the following:

(10) "Parent" means any biological parent, adoptive parent, or step-parent, and includes any legal or court-appointed guardian or custodian; however "parent" shall not include step-parent if the offender's victim was a minor;

SECTION 6. Tennessee Code Annotated, Section 40-39-203, is amended by deleting the first sentence of subsection (a) and substituting instead the following:

Within forty-eight (48) hours of establishing or changing a primary or secondary residence, establishing a physical presence at a particular location, or becoming employed or practicing a vocation or becoming a student in this state, the offender shall register in person, as required by the provisions of this part.

SECTION 7. Tennessee Code Annotated, Section 40-39-203, is amended by deleting the first sentence of subsection (c) and substituting instead the following:

An offender from another state, jurisdiction, or country, who has established a primary or secondary residence within this state, or has established a physical presence at a particular location shall, within forty-eight (48) hours of establishing such residency or physical presence, register in person with the designated law enforcement agency, completing and signing a TBI registration form, under the penalty of perjury, pursuant to § 39-16-702(b)(3).

SECTION 8. Tennessee Code Annotated, Section 40-29-203, is amended by adding the following to the end of subsection (i)(17):

By January 1, 2007, the TBI shall promulgate and disseminate rules establishing standardized specifications for the photograph of the offender required by this subdivision. Such rules shall specify the size of the photograph, the distance of the camera from the offender, the direction in which the offender is facing, what the offender may and may not wear in the photograph, the background for the photograph and any other specification that will promote a uniform set of clear and distinguishable photographs of offenders in the registry. In establishing the offender photograph specifications, the TBI shall attempt to do so in a manner that will best enable all of the local law enforcement authorities that furnish offender photographs to comply with the new standardized specifications with minimal additional expense or expenditure of other resources.

SECTION 9. Tennessee Code Annotated, Section 40-39-211, is amended by deleting subsection (a) and substituting instead the following:

(a) While mandated to comply with the requirements of this chapter, no sexual offender, as defined in § 40-39-202(16), or violent sexual offender, as defined in § 40-39-202(24), whose victim was a minor, shall knowingly establish a primary or secondary residence or any other living accommodation, or knowingly accept employment, within one thousand feet (1,000') of the property line on which any public school, private or parochial school, licensed day care center, other child care facility, park, playground, recreation center or public athletic field is located.

SECTION 10. Tennessee Code Annotated, Section 40-39-301, is amended by deleting the first sentence of subdivision (3) and substituting instead the following:

"Violent sexual offender" means any person who is convicted in the state of Tennessee, on or after July 1, 2004, of any sexual offense, as defined in subdivision (2) or § 40-39-202(17); or any such person who is convicted in any other jurisdiction of any offense which would constitute a sexual offense in Tennessee.

SECTION 11. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 12. For the purpose of the TBI promulgating standardized photograph specifications as required by Section 8, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 2006, the public welfare requiring it.